

Adopted

Rejected

COMMITTEE REPORT

YES: 8

NO: 2

MR. SPEAKER:

*Your Committee on Roads and Transportation, to which was referred House Bill 1315, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 2, line 34, after "Sec. 1.5." insert "(a) **This section does not**
- 2 **apply to an off-road vehicle that is at least five (5) model years old.**
- 3 **(b)".**
- 4 Page 4, between lines 22 and 23, begin a new paragraph and insert:
- 5 "SECTION 14. IC 9-29-4-4 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The fee for a
- 7 delinquent title is ten dollars (\$10). Except as provided in subsections
- 8 (b), ~~and~~ (c), **and (d)**, the bureau shall collect this fee when a purchaser
- 9 or transferee fails to apply for an original certificate of title or a transfer
- 10 of title, by assignment, within thirty-one (31) days after the vehicle is
- 11 purchased or otherwise acquired. This fee is in addition to all other fees
- 12 imposed for the issuance of a certificate of title.
- 13 (b) A dealer who titles a vehicle in the dealership's name for
- 14 purposes of putting the vehicle in rental, leasing, or demonstrating
- 15 service is not required to pay a delinquent title fee under this section,

but shall pay the following for each title:

(1) The title fee under section 3 of this chapter.

(2) A service charge under IC 9-29-3.

(c) A dealer who titles a vehicle in the dealership's name for the purpose of selling the vehicle shall pay the following:

(1) The title fee under section 3 of this chapter.

(2) A service charge under IC 9-29-3.

(d) IC 9-17-2-1.5 applies to the purchase or acquisition of an off-road vehicle that is less than five (5) model years old.

SECTION 15. IC 14-8-2-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 5.5. "Alcoholic beverage", for purposes of IC 14-16-1, has the meaning set forth in IC 14-16-1-1.5.**

SECTION 16. IC 14-16-1-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 1.5. As used in this chapter, "alcoholic beverage" has the meaning set forth in IC 7.1-1-3-5."**

Page 4, after line 28, begin a new paragraph and insert:

"SECTION 18. IC 14-16-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. (a) A dealer shall maintain in safe operating condition all vehicles rented, leased, or furnished by the dealer. The dealer or the dealer's agents or employees shall explain the operation of a vehicle being rented, leased, or furnished. If the dealer or the dealer's agent or employee believes the person to whom the vehicle is to be rented, leased, or furnished is not competent to operate the vehicle with safety to the person or others, the dealer or the dealer's agent or employee shall refuse to rent, lease, or furnish the vehicle.

(b) A dealer renting, leasing, or furnishing a vehicle shall carry a policy of liability insurance subject to minimum limits, exclusive of interest and costs, with respect to the vehicle as follows:

(1) Twenty thousand dollars (\$20,000) for bodily injury to or death of one (1) person in any one (1) accident.

(2) Subject to the limit for one (1) person, forty thousand dollars (\$40,000) for bodily injury to or death of at least two (2) persons in any one (1) accident.

(3) Ten thousand dollars (\$10,000) for injury to or destruction of

1 property of others in any one (1) accident.

2 (c) In the alternative, a dealer may demand and must be shown proof
3 that the person renting, leasing, or being furnished a vehicle carries a
4 liability policy of at least the type and coverage specified in subsection
5 (b).

6 **(d) A dealer:**

7 **(1) shall prepare an application for a certificate of title as**
8 **required by IC 9-17-2-1.5 for a purchaser of an off-road**
9 **vehicle; and**

10 **(2) may charge a processing fee for this service that may not**
11 **exceed ten dollars (\$10).**

12 **(e) This subsection does not apply to an off-road vehicle that is**
13 **at least five (5) model years old. After January 1, 2008, a dealer**
14 **may not have on its premise an off-road vehicle that does not have**
15 **a certificate of:**

16 **(1) origin from its manufacturer; or**

17 **(2) title issued by;**

18 **(A) the bureau of motor vehicles or its equivalent in**
19 **another state; or**

20 **(B) a foreign country.**

21 SECTION 19. IC 14-16-1-23 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. (a) An individual
23 shall not operate a vehicle under any of the following conditions:

24 (1) At a rate of speed greater than is reasonable and proper having
25 due regard for existing conditions or in a manner that
26 unnecessarily endangers the person or property of another.

27 (2) While:

28 (A) under the influence of ~~intoxicating liquor;~~ **an alcoholic**
29 **beverage;** or

30 (B) unlawfully under the influence of a narcotic or other habit
31 forming or dangerous depressant or stimulant drug.

32 (3) During the hours from thirty (30) minutes after sunset to thirty
33 (30) minutes before sunrise without displaying a lighted headlight
34 and a lighted taillight.

35 (4) In a forest nursery, a planting area, or public land posted or
36 reasonably identified as an area of forest or plant reproduction and
37 when growing stock may be damaged.

38 (5) On the frozen surface of public waters within:

- 1 (A) one hundred (100) feet of an individual not in or upon a
- 2 vehicle; or
- 3 (B) one hundred (100) feet of a fishing shanty or shelter;
- 4 except at a speed of not more than five (5) miles per hour.
- 5 (6) Unless the vehicle is equipped with a muffler in good working
- 6 order and in constant operation to prevent excessive or unusual
- 7 noise and annoying smoke.
- 8 (7) Within one hundred (100) feet of a dwelling between midnight
- 9 and 6:00 a.m., except on the individual's own property or property
- 10 under the individual's control or as an invited guest.
- 11 (8) On any property without the consent of the landowner or
- 12 tenant.
- 13 (9) While transporting on or in the vehicle a firearm unless the
- 14 firearm is:
- 15 (A) unloaded; and
- 16 (B) securely encased or equipped with and made inoperative
- 17 by a manufactured keylocked trigger housing mechanism.
- 18 (10) On or across a cemetery or burial ground.
- 19 (11) Within one hundred (100) feet of a slide, ski, or skating area,
- 20 except for the purpose of servicing the area.
- 21 (12) On a railroad track or railroad right-of-way, except railroad
- 22 personnel in the performance of duties.
- 23 (13) In or upon a flowing river, stream, or creek, except for the
- 24 purpose of crossing by the shortest possible route, unless the river,
- 25 stream, or creek is of sufficient water depth to permit movement
- 26 by flotation of the vehicle at all times.
- 27 (14) An individual shall not operate a vehicle while a bow is
- 28 present in or on the vehicle if the nock of an arrow is in position
- 29 on the string of the bow.
- 30 (b) Subsection (a)(9) does not apply to a person who is carrying a
- 31 handgun if the person:
- 32 (1) has been issued an unlimited handgun license to carry a
- 33 handgun under IC 35-47-2; or
- 34 (2) is not required to possess a license to carry a handgun under
- 35 IC 35-47-2-2.
- 36 SECTION 20. IC 14-16-1-29 IS AMENDED TO READ AS
- 37 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 29. (a) Except as
- 38 provided in ~~subsection (b)~~, **subsections (b) and (c)**, a person who

- 1 violates this chapter commits a Class C infraction.
- 2 (b) A person who violates section ~~18~~, **18(a), 18(b), 18(c)**, 23(1),
- 3 23(2), or 24 of this chapter commits a Class B misdemeanor.
- 4 **(c) A person who violates section 18(d) or 18(e) of this chapter**
- 5 **commits a Class A infraction."**
- 6 Renumber all SECTIONS consecutively.
(Reference is to HB 1315 as introduced.)

and when so amended that said bill do pass.

Representative Duncan